tain them from the carrier when they have been delivered to the latter for shipment by one who had no title or authority thus to enter into the bailment contract. *Fitch* v. *Newberry, supra.* The consignor without title may acquire ownership of the goods after the owner has notified the railway of his title and stopped the transit, thus detaining the cars. See *Louisville, etc., R. Co.* v. *Camody, supra.* This detention of the rolling stock is the result of the consignor's act, and therefore it is equitable that he should eventually pay the demurrage charge so incurred. Although the delay is the immediate consequence of the owner's demand, yet the whole transaction is the direct result of the unlawful act of the consignor in shipping goods not belonging to him. Upon consideration of these principles, the decision in the instant case seems eminently sound and a most equitable conclusion.

CARRIERS—PROTECTION OF PASSENGERS—ARREST.—A prohibition officer boarded a passenger train and forced several of the passengers, including the plaintiff, to alight. Some of these passengers were arrested but the plaintiff was not among the number. The train crew, who knew that the men who boarded the train and ejected the plaintiff were officers, not only did nothing to prevent this act but one of them asked the plaintiff "to go ahead off." The plaintiff brought an action for damages for the failure of the carrier to protect him from ejection. *Held*, the plaintiff cannot recover. *Clark* v. *Norfolk, etc., R. Co.* (W. Va.), 100 S. E. 480.

In general, a carrier is bound to protect a passenger against the negligence or willful acts of its servants, other passengers or strangers. See *New Jersey Steamboat Co.* v. *Brockett*, 121 U. S. 637; *Culberson* v. *Empire Coal Co.*, 156 Ala. 416, 47 South. 273. Not only has a passenger a right to protection against actual assault, but it is the duty of the carrier's employees to prevent as far as possible, the use by other passengers of profane and insulting language in the presence of a female passenger. *Southern R. Co.* v. *Lee*, 167 Ala. 268, 52 South. 648. *A fortiori*, the carrier is liable for the unlawful ejection of a passenger by a servant of the carrier. *Higgins* v. *Southern R. Co.*, 98 Ga. 751, 25 S. E. 837. But a railroad company is not responsible for an injury done to a passenger in one of its trains by the conductor of the train if the act is done in self-defense against the passenger and under a reasonable belief of imminent danger. *New Orleans, etc., R. Co.* v. *Jopes*, 142 U. S. 18. Nor is a sleeping car company liable for the death of one of its passengers at the hands of an assassin who enters its car by stealth, in the night-time, while traveling through a peaceable law-abiding country, as this is not a natural or probable danger nor one to be anticipated, against which the company is expected to guard and protect its passengers. *Connell* v. *Chesapeake, etc., R. Co.*, 93 Va. 44, 24 S. E. 467, 57 Am. St. Rep. 786, 32 L. R. A. 792.

A carrier is liable for false imprisonment if there is a detention of a passenger against his will by, or at the instance of, the carrier or its servants. *Duggan* v. *Baltimore, etc., R. Co.*, 159 Pa. St. 248, 28 Atl. 182, 39 Am. St. Rep. 672. But as a rule the carrier cannot be held respon-

sible for an arrest made by police officers, even though the arrest is made without authority or probable cause. *Owens* v. *Wilmington, etc., R. Co.*, 126 N. C. 139, 35 S. E. 259, 78 Am. St. Rep. 642. This is so even though the conductor points out the passenger to the officer who is in search of him. *Owens* v. *Wilmington, etc., R. Co., supra.* But where the conductor or other servant of the carrier participates in or assists an unlawful arrest the carrier is liable. *Duggan* v. *Baltimore, etc., R. Co., supra; Eichengreen* v. *Louisville, etc., R. Co.*, 96 Tenn. 229, 34 S. W. 219, 3 Am. & Eng. R. Cas. (N. S.) 453, 54 Am. St. Rep. 833, 31 L. R. A. 702.

From these decisions it would seem that the decision in the instant case is thoroughly sound.

CRIMINAL LAW—DENIAL OF CHALLENGE FOR CAUSE—HARMLESS ERROR.—The defendant's challenge of a juror for cause was erroneously overruled. Whereupon the defendant challenged the incompetent juror peremptorily. The record showed that the defendant was allowed one more peremptory challenge than the number to which he was entitled. *Held,* the error is not reversible. *Stroud* v. *United States,* 40 Sup. Ct. 176.

Errors of this character may be divided into two classes: (1) where the court erroneously sustains a challenge for cause, and (2) where the court erroneously overrules a challenge for cause.

Where the court erroneously sustains a challenge for cause, the better view is that this does not constitute a reversible error under any circumstances, since a party is entitled to, and can demand only an *impartial* jury, and if the jury is an impartial one he cannot object. *Wheeler* v. *People* (Colo.), 165 Pac. 257. But the Virginia courts take the opposite view and hold that if a challenge for cause by the Commonwealth is erroneously allowed the error is reversible, since to permit this would in substance allow the Commonwealth a peremptory challenge. *Montague* v. *Commonwealth,* 10 Gratt. (Va.) 767. This rule has probably been changed by a recent statute which entitles the Commonwealth to four peremptory challenges in felony cases and one in misdemeanor cases. See Va. Code, 1919, § 4898.

Cases in which the court erroneously overrules a challenge for cause may be divided into two classes: (a) cases where the juror in question sits on the jury and hears the case, and (b) cases where the juror in question is peremptorily challenged by the defendant.

Where the juror sits and hears the case, the better view is that the error of the court in overruling the challenge is reversible although the defendant had peremptory challenges left which he could have used had he chosen, since the right to challenge peremptorily is a right which the defendant cannot be compelled to exercise in order to expel an incompetent juror. It is a weapon which he can use or not at his pleasure. *People* v. *Bodine,* 1 Denio (N. Y.) 281; *People* v. *McQuade,* 110 N. Y. 284. See *Hawkins* v. *United States,* 116 Fed. 569. On the other hand, it has been held that if, after the panel is complete, the defendant still has peremptory challenges left he cannot object to the erroneous ruling, for the reason that, unless he has used all avail-